

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

CORY DARNELL SMITH,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-10-1372-HE
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**


Plaintiff Cory Darnell Smith instituted this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the case was referred to Magistrate Judge Valerie K. Couch, who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings. The magistrate judge found the decision of the administrative law judge ("ALJ") decision was flawed in that the ALJ failed to conduct a proper analysis of the April 7, 2009, opinion of plaintiff's treating cardiologist, Dr. Bryan F. Perry.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Couch's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of

which is attached to this order.

**IT IS SO ORDERED.**

Dated this 14th day of June, 2012.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE